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14 IN THE UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

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17 UNITED STATES OF AMERICA,
18 Plaintiff,
19 v.
20 KENNETH O'NEIL,
21 Defendant.

22 CASE NO. 2:21-CR-00115-DAD
23 STIPULATION REGARDING EXCLUDABLE
24 TIME PERIODS UNDER SPEEDY TRIAL ACT;
25 ORDER
26 DATE: September 12, 2022
27 TIME: 9:00 a.m.
28 COURT: Hon. Dale A. Drozd

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30 **STIPULATION**

31 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
32 through defendant's counsel of record, hereby stipulate as follows:

33 1. By previous order, this matter was set for status on September 12, 2022.
34 2. By this stipulation, the defendant now moves to continue the status conference until
35 October 4, 2022, and to exclude time between September 12, 2022, and October 4, 2022, under Local
36 Code T4.
37 3. The parties agree and stipulate, and request that the Court find the following:
38 a) Counsel for the defendant was appointed on July 8, 2022.
39 b) The government has represented that the discovery associated with this case
40 includes multiple audio files, reports, photographs, and toll records.

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c) Counsel for the defendant needs additional time to conduct independent factual investigation, meet with her client to discuss trial, sentencing, and resolution options, conduct legal research into trial issues, sentencing issues, and potential pretrial motions, and otherwise prepare for trial.

d) Counsel for the defendant believes that failure to grant the above-requested continuance would deny her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

e) The government does not object to the continuance.

f) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of September 12, 2022 to October 4, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

[CONTINUED ON NEXT PAGE]

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: September 2, 2022

PHILLIP A. TALBERT
United States Attorney

Dated: September 2, 2022

/s/ Tasha Chalfant
Tasha Chalfant
Counsel for Defendant
KENNETH O'NEIL

FINDINGS AND ORDER

Pursuant to the stipulation of the parties, the status conference previously scheduled for September 12, 2022, is continued to October 4, 2022, at 9:00 a.m. and time is excluded between September 12, 2022, and October 4, 2022, under Local Code T4.

IT IS SO ORDERED.

Dated: **September 2, 2022**

Dale A. Droyd
UNITED STATES DISTRICT JUDGE